

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DENNIS W. SOMERVILLE,

Petitioner,

v.

WARDEN MARTINEZ, *et al.*,

Respondents.

Case No. C06-5363RJB/KLS

ORDER ADOPTING REPORT
AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation, petitioner's application to proceed *in forma pauperis*, and the remaining record, hereby finds and ORDERS:

- (1) the Magistrate Judge's report and recommendation is approved and adopted;
- (2) petitioner's application to proceed *in forma pauperis* is DENIED;
- (3) petitioner shall pay the required filing fee (\$5.00) to the Clerk of the Court within 30 days of the date of this Order, otherwise this action will be dismissed; and
- (4) the Clerk is directed to send copies of this Order to petitioner and any other party that has appeared in this action.

DATED this 21st day of August, 2006.



Robert J Bryan
United States District Judge